

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DELFINA RODRIGUEZ,

Plaintiff,

-against-

AVONDALE CARE GROUP, LLC d/b/a
AVONDALE CARE GROUP, PETER
CARROL, LORNA GRAZIO,

Defendant.

1:16 Civ. 03084

**AFFIRMATION OF JEANETTE L.
DIXON IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT AND
OPPOSITION TO PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT**

I, Jeanette L Dixon, affirm as follows:

1. I am an attorney duly admitted to practice before this Court. I am an attorney with Manning & Kass, Ellrod, Ramirez, Trester LLP, attorneys of record for Defendants, AVONDALE CARE GROUP, LLC d/b/a AVONDALE CARE GROUP, PETER CARROL, and LORNA GRAZIO. I have personal knowledge of the facts set forth herein, and if called as a witness, I could and would competently testify to the matters stated herein. I make this affirmation in support of Defendants' Cross-Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment.

2. Attached hereto as "**Exhibit A**" is a true and correct copy of "Essential Functions" of a home health aide at Avondale Care Group, signed by Plaintiff and dated May 11, 2011.

3. Attached hereto as "**Exhibit B**" is a true and correct copy of a report of Plaintiff's shifts as a home health aide, from August 18, 2012 through August 30, 2016.

4. Attached hereto as "**Exhibit C**" is a true and correct copy of an excerpt of the Employee Handbook that Plaintiff received.

5. Attached hereto as "**Exhibit D**" is a true and correct copy of the Employee Acknowledgment Form signed by Plaintiff on May 11, 2011, which acknowledges that Plaintiff received a copy of the Employee Handbook.

6. Attached hereto as "**Exhibit E**" is a true and correct copy "Essential Functions" of a home health aide at Avondale Care Group.

7. Attached hereto as "**Exhibit F**" are true and correct copies of certifications of trainings that Plaintiff received and the accompanying tests that Plaintiff completed.

8. Attached hereto as "**Exhibit G**" is a true and correct copy of Time Management and Billing-Compliance Program, signed by Plaintiff on May 26, 2015.

9. Attached hereto as "**Exhibit H**" is a true and correct copy of the Reporter's Transcript of the Deposition of Plaintiff Delfina Rodriguez, taken on January 31, 2017.

10. Attached hereto as "**Exhibit I**" is a true and correct copy of the Reporter's Transcript of the Continued Deposition of Plaintiff Delfina Rodriguez, taken on February 23, 2017.

11. Attached hereto as "**Exhibit J**" are true and correct copies of excerpts of Duty Sheet reports, which identify the duties Plaintiff identified having undertaken during a given shift. The excerpts are specific to when Plaintiff identified that she had taken her sleep and meal breaks.

12. Attached hereto as "**Exhibit K**" is a true and correct copy of Plaintiff's Response to Defendants' First Set of Interrogatories, dated January 3, 2017 and verified by Plaintiff on that same day.

13. Attached hereto as "**Exhibit L**" are true and correct copies of Payroll Concern Forms completed by Plaintiff, and an accompanying Plaintiff's Earning Statement showing the payroll correction.

14. Attached hereto as "**Exhibit M**" are true and correct copies of Plaintiff's Earning Statements' records that Defendants maintained.

15. Attached hereto as "**Exhibit N**" is a true and correct copy of Plaintiff's Duty Sheet as to Patient (904860).

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York City, New York on the 1st day of September, 2017.

/s/ Jeanette L. Dixon
Jeanette L. Dixon